

MONDAY, MARCH 15, 1993

TWENTIETH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Robert Hill, Village Baptist Church, Mt. Juliet, Tennessee.

Representative Mires led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Allen; weather conditions.

Representative Cross; weather conditions.

Representative Fisher; weather conditions.

Representative Givens; father's death.

Representative Head; illness.

Representative McAfee; weather conditions.

Representative Peroulas Draper; weather conditions.

Representative Thompson; weather conditions.

Representative Venable; weather conditions.

Representative Williams (Union); weather conditions.

ROLL CALL

The roll call was taken with the following results:

Present 89

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby,

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Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

SIGNED

March 12, 1993

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 106, 236, 259 and 1014; also, Senate Joint Resolution(s) No(s). 98, 101 and 102.

REPORT OF CHIEF ENGROSSING CLERK

March 12, 1993

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 547 and 644; also, House Joint Resolution(s) No(s). 80, 85, 86, 88, 89 and 104.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

March 11, 1993 (received March 15, 1993)

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 672 and 674, with his approval.

DAVID H. WELLES, Counsel to the Governor.

SIGNED

March 15, 1993

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 117.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Wednesday, March 17, 1993:

House Joint Resolution No. 0123 -- Memorials, Death -- Billy Cardwell. by *Walley, *Crain.

House Joint Resolution No. 0124 -- Memorials, Recognition and Thanks -- Joe A. Murphy, Jr. by *Turner B.

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House Joint Resolution No. 0125 -- Memorials, Personal Occasion -- Wedding of Angela Suzanne Thompson and Christopher Howard Conine. by *Stockburger.

House Joint Resolution No. 0126 -- Memorials, Recognition and Thanks -- Herman Knowles, Newport. by *Davis Ronnie.

House Joint Resolution No. 0128 -- Memorials, Public Service -- Rotary International District 6780 of Tennessee and 9300 of South Africa. by *Coffey.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1608 -- Williamson County -- Revises William County Hospital District. Amends Chapter 107, Private Acts of 1957, as amended. by *Callicott, *Williams Mike.

House Bill No. 1609 -- Decherd -- Raises salary of mayor from \$225 to \$325; raises salaries of aldermen from \$150 to \$250. Amends Chapter 318, Acts of 1901, as amended. by *Rigsby.

House Bill No. 1610 -- Milan -- Raises salaries for board of mayor and aldermen; alters qualifications for voting in city elections. Amends Chapter 458, Acts of 1901, as amended. by *Phelan.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

*Senate Bill No. 0085 -- Pensions and Retirement Benefits -- Authorizes County Officials Association of Tennessee to be participating employer in TCRS. Amends TCA, Title 8, Ch. 35, Pt. 2. (HB 0103).

*Senate Bill No. 0363 -- Planning, Public -- Limits application of penalties for noncompliance with recording requirements to owner or agent of owner and leaves title to tract unaffected. Amends TCA 13-3-410. (HB 0299).

Senate Bill No. 0544 -- Zoning -- Shortens from 30 to 15 days length of time required for notice of public hearing to amend county zoning ordinance provisions. Amends TCA 13-7-105. (*HB 0148)

*Senate Bill No. 1080 -- Annexation -- Prohibits, under certain circumstances, annexation of property of regional airport authority. Amends TCA, Title 6, Ch. 51. (HB 1043).

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HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1606 -- Carter County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1607 -- Anderson County -- Held on Clerk's desk pending approval by local delegation.

REPORTS OF SELECT COMMITTEES

JOINT STUDY COMMITTEE REPORT

The Clerk announced that the Joint Study Committee on Health Care Costs, pursuant to Senate Joint Resolution No. 352 of 1992, has completed its work and submitted its final report, which is on file in the Clerk's office.

CONSENT CALENDAR

House Bill No. 1601 -- Bartlett -- Revises and reenacts charter. Amends Chapter 449, Acts of 1905, as amended.

House Bill No. 1602 -- Halls -- Extends terms of office from two to four years for mayor and aldermen; changes rate of mayor's compensation. Amends Chapter 445, Acts of 1901, as amended.

House Bill No. 0783 -- Credit Unions -- Authorizes credit unions to invest in Volunteer Corporate Credit Union. Amends TCA 45-4-501.

On motion, House Bill No. 783 was made to conform with Senate Bill No. 503; the Senate Bill was substituted for the House Bill.

House Bill No. 0921 -- Election Laws -- Allows nonpartisan municipal elections unless municipality's charter permits for partisan elections; allows partisan municipal election nominations. Amends TCA, Title 2, Ch. 13, Pt. 2.

House Bill No. 0026 -- Housing -- Authorizes acquisition of vacant properties in Madison County. Amends TCA 13-21-208.

On motion, House Bill No. 26 was made to conform with Senate Bill No. 58; the Senate Bill was substituted for the House Bill.

House Bill No. 493 -- Notary Public -- Allows notary public elected by county legislative body to be certified as notary at large in all counties upon application to secretary of state. Amends TCA, Title 8.

On motion, House Bill No. 493 was made to conform with Senate

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Bill No. 556; the Senate Bill was substituted for the House Bill.

House Bill No. 0425 -- Taxes, Real Property -- Enables recorders or other officers to sell real estate for which delinquent taxes have not been paid; sets out publication requirements for such sales. Amends TCA 6-55-201, 203.

***House Bill No. 1337 -- Highway Signs -- "Freed-Hardeman University," I-40.**

On motion, House Bill No. 1337 was made to conform with Senate Bill No. 1547; the Senate Bill was substituted for the House Bill.

House Bill No. 1179 -- Motor Vehicles, Titling and Registration -- Authorizes fee on traffic convictions issued by municipality to be used for automated information system to support traffic safety laws. Amends TCA 55-10-315.

On motion, House Bill No. 1179 was made to conform with Senate Bill No. 373; the Senate Bill was substituted for the House Bill.

***House Bill No. 0439 -- Utilities, Utility Districts -- Authorizes Jefferson-Cocke natural gas utility district to provide funding to chamber of commerce. Amends TCA 7-82-304.**

House Bill No. 0441 -- Game and Fish Laws -- Establishes training season for dogs to chase bears from August 15 to September 30 in Carter, Cocke, Greene, Johnson, Sevier and Unicoi counties. Amends TCA, Title 70, Ch. 4, Pt. 1.

House Bill No. 0369 -- Medical Occupations -- Conforms confidentiality statute for marital and family therapists to present licensure statute by changing "certified" to "licensed". Amends TCA 63-22-114.

House Bill No. 0103 -- Pensions and Retirement Benefits -- Authorizes County Officials Association of Tennessee to be participating employer in TCRS. Amends TCA, Title 8, Ch. 35, Pt. 2.

House Bill No. 0024 -- Cosmetology -- Transfers provisions of Electrologists Practice Act from Title 62 to Title 63. Amends TCA, Title 62, Ch. 34; Title 63.

***House Bill No. 0009 -- Historical Commission -- Provides for erection of historical plaque at site of former Lincoln County Poor Farm.**

On motion, House Bill No. 9 was made to conform with Senate Bill No. 17; the Senate Bill was substituted for the House Bill.

House Bill No. 0945 -- Highway Signs -- "National Ornamental Metal Museum," I-55, Memphis.

On motion, House Bill No. 945 was made to conform with Senate Bill No. 756; the Senate Bill was substituted for the House Bill.

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House Bill No. 1351 -- Highway Signs -- Various cultural and tourist attractions in Shelby County.

On motion, House Bill No. 1351 was made to conform with **Senate Bill No. 1474**; the Senate Bill was substituted for the House Bill.

***House Bill No. 0451 -- Highway Signs -- "Dana Terry Bridge," Highway 116, Vaspar.**

On motion, House Bill No. 451 was made to conform with **Senate Bill No. 888**; the Senate Bill was substituted for the House Bill.

***House Bill No. 0450 -- Highway Signs -- "Carl Wade Stiner Highway," portion of Highway 63 in Campbell County.**

On motion, House Bill No. 450 was made to conform with **Senate Bill No. 839**; the Senate Bill was substituted for the House Bill.

House Bill No. 1224 -- Economic and Community Development -- Allows certain qualified businesses to receive certain reimbursement incentives over period of years. Amends TCA, Title 13, Ch. 28.

House Bill No. 0737 -- Real Estate Agents and Brokers -- Requires that applicant for affiliate real estate broker's license have high school diploma or GED; requires that all affiliate brokers complete 30 hours of educational courses within one year of obtaining license. Amends TCA 62-13-303.

House Bill No. 0563 -- Credit Unions -- Expands powers of commissioner of financial institutions to take and retain possession of business and property of credit unions; revises requirements for conversion of state credit union into federal credit union. Amends TCA 45-4-206, 45-4-1902.

On motion, House Bill No. 563 was made to conform with **Senate Bill No. 519**; the Senate Bill was substituted for the House Bill.

House Bill No. 0960 -- Interior Designers -- Revises certification procedures under Interior Designers Title Registration Act. Amends TCA 62-2-904.

On motion, House Bill No. 960 was made to conform with **Senate Bill No. 724**; the Senate Bill was substituted for the House Bill.

House Bill No. 0341 -- Sunset Laws -- Housing development agency, board of directors, June 30, 2001. Amends TCA, Title 4, Ch. 29; Title 13, Ch. 23.

Senate Joint Resolution No. 0082 -- Memorials, Death -- Carl T. Moore.

Senate Joint Resolution No. 0085 -- Memorials, Public Service -- Larry N. Hill.

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Senate Joint Resolution No. 0086 -- Memorials, Personal Achievement -- Michael Jeter, actor.

Senate Joint Resolution No. 0103 -- Memorials, Personal Occasion -- Melissa Mills and Thomas F. Leatherwood III, birth of Celia Mae Leatherwood.

House Resolution No. 0014 -- Memorials, Death -- Charles E. Maurer.

House Resolution No. 0015 -- Memorials, Personal Occasion -- Earl and Zama LaRue, seventy-first wedding anniversary.

House Joint Resolution No. 0119 -- Memorials, Sports -- Vanderbilt University women's basketball team.

House Joint Resolution No. 0120 -- Memorials, Recognition and Thanks -- Jim Runnion.

House Joint Resolution No. 0121 -- Memorials, Death -- Paul O. Zimmerman, Sullivan County.

House Joint Resolution No. 0122 -- Memorials, Public Service -- Louis L. Milhorn, Sullivan County.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 103; by Rep. Bittle.

House Bill No. 341; by Rep. Kernell.

House Bill No. 425; by Rep. Shirley.

House Bill No. 737; by Rep. Shirley.

House Bill No. 921; by Rep. Kisber.

House Bill No. 1601; by Rep. Byrd.

House Joint Resolution No. 119; by Rep. Love.

Under the rules, House Joint Resolution(s) No(s). 119; House Bill(s) No(s). 103, 921, 425, 737, 1601 and 341 was/were placed at the foot of the calendar for Wednesday, March 17, 1993.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

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Ayes.	90
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

PRESENT IN CHAMBER

Representative(s) Peroulas Draper, Fisher and Williams (Union) was/were recorded as being present in the Chamber.

REGULAR CALENDAR

House Bill No. 0338 -- Sunset Laws -- Elk regional resource authority, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 5.

Further consideration of House Bill No. 338, previously considered on March 8, 1993, at which time it was reset to the Calendar for March 15, 1993.

Rep. Kernell moved that House Bill No. 338 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1, seconded by Rep. Phillips, as follows:

Amendment No. 1

AMEND House Bill No. 338 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. (a) Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-112, or any other law to the contrary, the Elk regional resource authority created by Section 64-5-101, shall terminate and shall cease all activities upon the effective date of this act.

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(b) Tennessee Code Annotated, Title 64, Chapter 5, Part 1, is repealed in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that House Bill No. 338, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 0651 -- Teachers -- Allows for retroactive application of pay supplement for any educator's pay delayed under new or revised evaluation system. Amends TCA 49-5-5212.

On motion, House Bill No. 651 was made to conform with Senate Bill No. 1221; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 1221 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion,

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Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 0217 -- Water Pollution and Water Resources --** Provides that when water service extended to 300 or less customers using money from federal or state grant or plan, customer's rate structure does not include depreciation of assets acquired with such loan or grant funds.

Rep. Walley moved that House Bill No. 217 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 217 by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following as a new section:

In any area where service has been extended by a municipal water system or utility district, from a municipality with a population not less than four thousand seven hundred fifty-five (4,755) nor more than four thousand seven hundred sixty-five (4,765) according to the 1990 federal census or any subsequent federal census, or from a municipality with a population not less than three thousand eight hundred thirty (3,830) nor more than three thousand eight hundred forty-five (3,845) according to the 1990 federal census or any subsequent federal census, using funds received from a community development block grant for such water system, in determining whether a facility has a retained earnings deficit or an operating deficit, depreciation shall not include the depreciation on assets acquired with such grant funds if the number of water customers to be served by such extension is, at the time of the initial extension, seventy-five (75) or less. The provisions of this section shall expire July 1, 2000.

Rep. Walley moved to amend as follows:

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Amendment No. 1 to Amendment No. 1

Amend House Bill No. 217 by deleting in its entirety the last sentence of the amendatory language of Section 1, as amended, which reads "The provisions of this section shall expire July 1, 2000."

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Love moved adoption of Amendment No. 1, as amended, which motion prevailed.

Rep. Walley moved that House Bill No. 217, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 0484 -- Securities -- Revises Tennessee Security Act of 1980; allows exemption from registration for resale of interest in certain unit investment trusts. Amends TCA 48-2-103, 107.

On motion, House Bill No. 484 was made to conform with Senate Bill No. 646; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that Senate Bill No. 646 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1, seconded by Rep. Jackson, as follows:

Amendment No. 1

AMEND Senate Bill No. 646 by deleting Section 8 and by

substituting instead the following:

SECTION 8. Tennessee Code Annotated, Section 48-2-107, is further amended by adding the language set forth below as a new subsection (c) thereof and by sequentially redesignating the current subsections (c) through (i), as amended hereinabove, as subsections (d) through (m):

(c)(1) An open-end investment company or a unit investment trust, as those terms are defined in the federal Investment Company Act of 1940, as amended, shall register an indefinite amount of securities under a registration statement. The initial registration statement of an open-end investment company filed pursuant to this subsection shall be effective for two (2) months after the registrant's fiscal year end. Thereafter, the open-end investment company must renew the registration by submitting the appropriate registration forms and an additional fee within two (2) months after the expiration of the registrant's fiscal year end. The registration statement of a unit investment trust filed pursuant to this subsection shall be effective for one (1) year from the date of effectiveness granted by the United States Securities and Exchange Commission;

(2) An open-end investment company, at the time of filing, shall pay an initial registration fee of three hundred dollars (\$300) and, within two (2) months after its fiscal year end, either:

(i) Pay a fee of nine hundred dollars (\$900); or

(ii) File a sales report on a form the commissioner by rule adopts, reporting all sales of securities to persons within this state during the registration period and pay a fee of one-tenth of one percent (.1%) of the aggregate amount of securities sold in this state. The registration fee of three hundred dollars (\$300) shall be deducted from the aggregate amount due, and in no event shall the aggregate registration fee be more than one thousand two hundred dollars (\$1,200). If the aggregate fee due is less than three hundred dollars (\$300), no additional payment shall be made and no credit or refund will be allowed or returned.

(3) A unit investment trust, at the time of filing, shall pay a registration fee of three hundred dollars (\$300) and within two (2) months after the anniversary of the unit investment trust's effective date, either:

(i) Pay a fee of three hundred dollars (\$300); or

(ii) File a sales report on a form the commissioner by rule adopts, reporting all sales of securities to persons within this state during the registration period and pay a fee of one-tenth of one percent (.1%) of the aggregate amount of securities sold in this state. The registration fee of three hundred dollars (\$300) shall be deducted from the aggregate amount due, and in no event shall the aggregate registration fee be more than one thousand two hundred dollars (\$1,200). If the aggregate fee due is less than three hundred dollars (\$300), no additional payment shall be made and no credit or refund will be allowed or returned.

On motion, Amendment No. 1 was adopted.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

Rep. Jackson moved that Senate Bill No. 646, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	68
Noes.	18
Present and not voting.	3

Representatives voting aye were: Anderson, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Halteman, Harwell, Hargrove, Hassell, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, Knight, Love, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stulce, Turner (Shelby), Walley, Westmoreland, Williams (Shelby), Williams (Williamson), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Armstrong, Bragg, Callicott, Davis, Haley, Haun, Joyce, Kisber, Lewis, Liles, Purcell, Ramsey, Stamps, Stockburger, Turner (Hamilton), West, Whitson, Williams (Union) -- 18.

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Representatives present and not voting were: Jones U (Shelby), Miller, Windle -- 3.

A motion to reconsider was tabled.

House Bill No. 0336 -- Sunset Laws -- Tennessee consolidated retirement system, board of trustees, June 30, 2001. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 34.

Rep. Kernell moved that House Bill No. 336 be reset to the Calendar for Wednesday, March 17, 1993, which motion prevailed.

House Bill No. 0335 -- Sunset Laws -- Medical board of TCRS, June 30, 2001. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 34, Pt. 4.

Rep. Kernell moved that House Bill No. 335 be reset to the Calendar for Wednesday, March 17, 1993, which motion prevailed.

House Bill No. 0328 -- Sunset Laws -- State board of occupational and physical therapy examiners, June 30, 2001. Amends TCA, Title 4, Ch. 29; Title 63, Ch. 13.

Rep. Kernell moved that House Bill No. 328 be reset to the Calendar for Wednesday, March 17, 1993, which motion prevailed.

***House Bill No. 0733 -- Highway Signs -- Directs department of transportation to revise or supplement all Tennessee highway welcome signs to include legend "Home State of Vice President Al Gore".**

Rep. Dixon moved that House Bill No. 733 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 733 by redesignating Section 2 of the printed bill to be Section 3 and by adding a new Section 2, as follows:

SECTION 2. This act shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved that House Bill No. 733, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	82
Noes.	4
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Coffey, Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Chiles, Meyer, Stockburger, Westmoreland -- 4.

Representatives present and not voting were: Callicott, Haun, Shirley -- 3.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 0842 -- Game and Fish Laws -- Defines "watchable wildlife"; creates Watchable Wildlife Endowment Fund. Amends TCA 70-8-103, 110.

On motion, House Bill No. 842 was made to conform with Senate Bill No. 612; the Senate Bill was substituted for the House Bill.

Rep. Hillis moved that Senate Bill No. 612 be passed on third and final consideration.

Rep. Hillis moved to adopt Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 612 as follows:

SECTION 3 is amended by inserting the following new subdivision immediately after subdivision (1) and by redesignating subsequent subdivision accordingly:

(2) Moneys shall be deposited to the fund as

provided herein and shall be invested for the benefit of the fund pursuant to subsection 9-4-603. Moneys in the fund shall not revert to the general fund of the state, but shall remain available and appropriated exclusively for the purposes set forth in this section.

On motion, Amendment No. 1 was adopted.

Rep. Hillis moved that Senate Bill No. 612, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

A motion to reconsider was tabled.

House Bill No. 0656 -- Mental Illness -- Empowers certain persons other than licensed physicians to examine, apprehend, certify and testify that individual needs emergency psychiatric hospitalization. Amends TCA 33-3-504, 33-6-103.

Rep. Hargrove moved that House Bill No. 656 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 656 by deleting Section 1 in its entirety and substituting therefor the following:

Section 1. Tennessee Code Annotated, Section 33-6-103(f), is amended by designating existing language as (f)(1) and adding the following language, and designating it as (f)(2):

(2) If a person

(A) has a master's degree or doctor's degree in nursing or social work; and

(B) is licensed or certified to practice in Tennessee in the discipline in (A) above, in which the person has the master's or doctor's degree; and

(C) is a member of a crisis service program which is under contract with the department to implement Chapter 2, Part 6 of this title; and

(D) satisfactorily completes a training program approved and provided by the department relative to emergency commitment criteria and procedures;

then the commissioner may designate the person to take all or any action authorized for a physician and perform all or any duty imposed on a physician by Section 33-6-103(a)-(e), to the extent such duties are within the scope of practice of the profession in which the person is licensed or certified. An officer may take anyone who is in custody after subsection (b) to such a person for examination under subsection (d).

The designated person's authority is valid only (1) within the region of the state designated by the commissioner, (2) in connection with hospitalization of a person at a facility owned or operated by the department, and (3) subject to the continued satisfaction of subitems (A)-(D) of this subdivision. A designated person's authority within such region of the state is valid in connection with hospitalization of a person at a private hospital or treatment resource only if the private hospital or treatment resource files notice of acceptance of the designated person's authority with the commissioner. The commissioner may base designation on criteria consistent with this act in addition to (A) through (D), and may, in the commissioner's discretion, set other limits on a designated person's authority, and may remove designation of authority from a person without cause. The commissioner is not bound to designate a person solely because the person satisfies subitems (A) through (D) of this subdivision. Designation of a person does not vest any property right, and limitation on authority and removal of designation of a person are not covered by Title 4, Chapter 5 or Title 8, Chapter 30.

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This act does not affect any property right of an employee of the state who acts in the capacity of employee of the state.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that House Bill No. 656 be passed on third and final consideration.

Rep. Hargrove moved that House Bill No. 656, as amended, be reset to the Calendar for Wednesday, March 17, 1993, which motion prevailed.

House Bill No. 0657 -- Nurses, Nursing -- Expands exemption from regulation as nurse to include certain employees of DMHMR in residential treatment facilities and group homes. Amends TCA 63-7-102.

Rep. Hargrove moved that House Bill No. 657 be reset to the Calendar for Wednesday, March 17, 1993, which motion prevailed.

House Bill No. 0658 -- Mental Health and Mental Retardation, Dept. of -- Authorizes commissioner to appoint physician for employment in department. Amends TCA, Title 33, Ch. 1, Pt. 2.

Rep. Hargrove moved that House Bill No. 658 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

House Bill No. 658 by adding the following at the end of Section 1:

A physician may be dismissed only by the appointing authority and only on the basis of established job performance standards as evidenced and documented through periodic job performance evaluations; with respect to a chemical impaired physician, the appointing authority will recommend that the employee first participate in the employee assistance program established pursuant to §63-1-136.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that House Bill No. 658, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	0

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Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinton, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

***House Bill No. 0269 -- Traffic Safety -- Removes warning citation for violation of safety belt law. Amends TCA 55-9-603.**

Rep. Robinson moved that House Bill No. 269 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 269 by redesignating Section 2 of the printed bill to be Section 3 and by adding a new Section 2, as follows:

SECTION 2. Tennessee Code Annotated, Section 55-9-603(d)(2), is amended by deleting the words and figures "fifty dollars (\$50.00)" and substituting the words and figures "twenty-five dollars (\$25.00)".

Rep. Robinson moved that House Bill No. 269 be referred to the Finance, Ways and Means Committee, which motion prevailed.

House Bill No. 0806 -- Highway Signs -- "James Herbert Rice, Sr. Memorial Bridge," U.S. 412 Overpass, Dyer County.

On motion, House Bill No. 806 was made to conform with Senate Bill No. 1294; the Senate Bill was substituted for the House Bill.

Rep. Cole (Dyer) moved that Senate Bill No. 1294 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

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Amendment No. 1

Amend Senate Bill No. 1294 by adding at the end of the bill the following new section:

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Cole (Dyer) moved that Senate Bill No. 1294, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

House Bill No. 0442 -- Marriage -- Authorizes county commissioners to solemnize marriages in any county in state. Amends TCA 36-3-301.

On motion, House Bill No. 442 was made to conform with Senate Bill No. 81; the Senate Bill was substituted for the House Bill.

Rep. Davis moved that Senate Bill No. 81 be passed on third and final consideration.

Rep. Moore moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 81 by adding to Section 1 between the words "bodies" and "may" the language "and former justices of the peace and former county legislative body members".

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On motion, Amendment No. 1 was adopted.

PRESENT IN CHAMBER

Representative(s) Fisher was/were recorded as being present in the Chamber.

REGULAR CALENDAR, CONTINUED

Senate Bill No. 81 -- Marriage -- Authorizes county commissioners to solemnize marriages in any county in state. Amends TCA 36-3-301.

Rep. Moore moved to adopt Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 81 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION . Tennessee Code Annotated, Section 36-3-301(a), is amended by adding to the first sentence between the words "county" and "speaker" the language "the clerk of the court of general sessions of each county."

On motion, Amendment No. 2 failed to be adopted.

Rep. Davis moved that Senate Bill No. 81, as amended, be passed on third and final consideration.

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Rhinehart moved to reconsider our action in adopting Amendment No. 1 to Senate Bill No. 81.

PARLIAMENTARY INQUIRY

Rep. DeBerry asked the Chair how many votes it takes to adopt the motion to reconsider.

RULING OF THE CHAIR

Speaker Naifeh ruled that, pursuant to Rule No. 11, it takes a simple majority of those members present and voting to adopt a motion to reconsider.

Thereupon, the motion to reconsider prevailed by the following vote:

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Ayes.	68
Noes.	12
Present and not voting.	4

Representatives voting aye were: Arriola, Bell, Bittle, Boyer, Brooks, Brown, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Johnson, Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, Meyer, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Shirley, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 68.

Representatives voting no were: Anderson, Armstrong, Buck, DeBerry, Jackson, Jones R (Shelby), Jones U (Shelby), McKee, Moore, Severance, Stamps, Wix -- 12.

Representatives present and not voting were: Miller, Purcell, Whitson, Mr. Speaker Naifeh -- 4.

Rep. Moore moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Severance moved the previous question, which motion prevailed.

Rep. Davis moved that Senate Bill No. 81 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	57
Noes.	33

Representatives voting aye were: Anderson, Bell, Bittle, Boyer, Bragg, Buck, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Hargrove, Haun, Hillis, Huskey, Jackson, Jones U (Shelby), Joyce, Kent, Kisber, Knight, Love, McDaniel, McKee, Miller, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Tindell, Turner (Hamilton), Whitson, Williams (Shelby), Windle, Winningham, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Armstrong, Arriola, Brooks, Brown, Byrd, Callicott, Cole (Dyer), DeBerry, Gunnels, Haley, Halteman Harwell, Hassell, Herron, Johnson, Jones R (Shelby), Kernell, Lewis, Liles, Meyer, Mires, Moore, Rigsby, Shirley, Stamps, Stockburger, Stulce, Turner (Shelby), Walley, West, Williams (Union), Williams (Williamson), Wix, Wood -- 33.

A motion to reconsider was tabled.

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MESSAGE FROM THE SENATE

March 15, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 468; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 0468 -- County Officers -- Includes Davidson County sheriff's correctional officers in metro civil service system. Amends TCA, Titles 7, 8. by *Haynes.

REGULAR CALENDAR, CONTINUED

*House Bill No. 0055 -- County Officers -- Includes Davidson County sheriff's correctional officers in metro civil service system. Amends TCA, Titles 7, 8.

On motion, House Bill No. 55 was made to conform with Senate Bill No. 468; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 468 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	81
Noes.	1
Present and not voting.	8

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 81.

Representatives voting no were: Brown -- 1.

Representatives present and not voting were: Charles, Dixon, Haley, Liles, Ritchie, Stamps, Wix, Mr. Speaker Naifeh -- 8.

A motion to reconsider was tabled.

*House Bill No. 0052 -- Game and Fish Laws -- Exempts residents permanently restricted to wheelchairs from payment of sport fishing license fees. Amends TCA, Title 70.

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On motion, House Bill No. 52 was made to conform with Senate Bill No. 472; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 472 be passed on third and final consideration.

Rep. Hillis moved that Conservation and Environment Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Odom moved that Senate Bill No. 472 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

House Bill No. 0872 -- Human Services, Dept. of -- Authorizes Tennessee Task Force Against Domestic Violence to nominate candidates for Advisory Committee on Family Violence Shelters and Child Abuse Prevention Services; prohibits employee or board member of agency receiving state funding to serve on advisory committee. Amends TCA 71-6-203.

Rep. Moore moved that House Bill No. 872 be reset to the Calendar for Wednesday, March 17, 1993, which motion prevailed.

House Bill No. 0629 -- Bail, Bail Bonds -- Allows clerk to deduct 5 percent clerk's commission on original forfeiture from amount of forfeited recognizance ordered by court to be remitted to maker. Amends TCA 40-11-204.

On motion, House Bill No. 629 was made to conform with Senate Bill No. 552; the Senate Bill was substituted for the House Bill.

Rep. DeBerry moved that Senate Bill No. 552 be passed on third and final consideration.

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Rep. DeBerry moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 552 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following new amendatory language:

absolutely remit the same, less a clerk's commission of five percent (5%) of the original paid final forfeiture or one thousand dollars (\$1000), whichever is less.

On motion, Amendment No. 1 was adopted.

Rep. DeBerry moved that Senate Bill No. 552, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	71
Noes	8
Present and not voting	11

Representatives voting aye were: Anderson, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, CaMicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Gunnels, Hargrove, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Robinson, Severance, Shirley, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 71.

Representatives voting no were: Bragg, Chiles, Haley, Halteman Harwell, Hassell, Joyce, Stockburger, Walley -- 8.

Representatives present and not voting were: Armstrong, Arriola, Ferguson, Lewis, Rigsby, Ritchie, Stamps, West, Williams (Union), Windle, Wix -- 11.

A motion to reconsider was tabled.

House Bill No. 0039 -- Local Government, General -- Removes provision allowing members of governing body of county or city to serve as court reporter in any county or city proceedings. Repeals TCA 12-4-117.

On motion, House Bill No. 39 was made to conform with Senate Bill No. 61; the Senate Bill was substituted for the House Bill.

Rep. Bell moved that Senate Bill No. 61 be passed on third and final consideration.

Rep. Liles moved that Senate Bill No. 61 be referred to the Judiciary Committee.

Rep. Buck requested that Rep. Liles withdraw his motion, so that Senate Bill No. 61 could be reset to a future calendar. Rep. Liles withdrew his motion to refer.

Rep. Buck moved that Senate Bill No. 61, by special order, be reset one week to the Calendar for March 22, 1993, which motion prevailed without objection.

House Bill No. 0574 -- Alcoholic Beverages -- Authorizes wholesaler of alcoholic beverages to invest in other businesses and sell products other than alcoholic beverages so long as gross revenues from these ventures do not exceed 50 percent of wholesaler's total gross revenues. Amends TCA 57-3-404.

Further consideration of House Bill No. 574, previously considered on March 11, 1993, at which time the House adopted Amendment No. 1 and reset the bill to the Calendar for March 15, 1993.

Rep. Rhinehart moved that House Bill No. 574, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	64
Noes.	23
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Gunnels, Hargrove, Hassell, Haun, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Rigsby, Rinks, Ritchie, Severance, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Wix, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Boyer, Bragg, Chiles, Coffey, Ferguson, Haley, Halteman, Harwell, Herron, Joyce, Lewis, Liles, Purcell, Ramsey, Robinson, Shirley, Stamps, Stockburger, Walley, West, Williams (Union), Windle, Winningham, Wood. -- 23.

Representatives present and not voting were: Owenby -- 1.

A motion to reconsider was tabled.

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UNFINISHED BUSINESS

SPONSOR NOTIFICATION

House Bill No. 975: Rep(s). Bittle was designated as THE PRIME SPONSOR.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 9: Rep(s). Ed Hogg as prime sponsor(s).

House Bill No. 172: Rep(s). Davidson as prime sponsor(s).

House Bill No. 733: Rep(s). Love as prime sponsor(s).

House Bill No. 940: Rep(s). Davidson as prime sponsor(s).

House Bill No. 1213: Rep(s). Jackson as prime sponsor(s).

House Bill No. 1337: Rep(s). Hargrove as prime sponsor(s).

House Joint Resolution No. 119: Rep(s). Chiles and Kieber as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Rinks was removed as sponsor of House Bill No. 1059.

On motion, Rep. Arriola was removed as sponsor of House Bill No. 1139.

ANNOUNCEMENTS

COMMUNICATIONS

March 15, 1993

Chief Clerk's Office
Tennessee House of Representatives
State Capitol
Nashville, Tennessee 37219

Re: Amendment to Proposed Tennessee Rules of Civil Procedure

Dear Sir:

Attached hereto please find a certified copy of an order signed by the Honorable Lyle Reid, Chief Justice of the Tennessee Supreme

MONDAY, MARCH 15, 1993 -- TWENTIETH LEGISLATIVE DAY

Court and the Associate Justices of the Tennessee Supreme Court, dated and filed March 10, 1993, in the office of A. B. Neil, Jr., Clerk of the Supreme Court in Nashville, Tennessee.

Pursuant to Tennessee Code Annotated 16-3-402, et seq., on behalf of the Chief Justice of the Supreme Court of Tennessee, I hereby file with your office said order.

If you have any questions, please advise.

Sincerely,
/s/Charles E. Ferrell
Administrative Officer
Tennessee Supreme Court

MESSAGE FROM THE SENATE
March 15, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 32; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 15, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 21, 31, 33, 35 and 36; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
March 15, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 24, 217, 338, 369, 438, 447, 658, 738, 1024 and 1602; also, House Joint Resolution(s) No(s). 120, 121 and 122.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 15, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 683 and 684; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MONDAY, MARCH 15, 1993 -- TWENTIETH LEGISLATIVE DAY

ENGROSSED BILLS

March 15, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 574.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 15, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 37, 76 and 157; also, Senate Joint Resolution(s) No(s). 83; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 15, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 48, 1147, 1322, 1340, 1408, 1409 and 1589; also, House Joint Resolution(s) No(s). 83, 91, 94, 95, 96, 97, 99, 101 and 117; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 15, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 80 and 110; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Joint Resolution No. 0080 -- Highway Signs -- "Jimmy Mann Evans Memorial Bridge," I-40, Cuba Landing. by *Hamilton, Albright, Atchley, Burks, Cohen, Cooper, Crowe, Crutchfield, Davis, Elsea, Ford, Gilbert, Greer, Harper, Haynes, Henry, Holcomb, Jordan, Koella, Kyle, Leatherwood, McKnight, McNally, O'Brien, Patten, Person, Rice, Rochelle, Springer, Wallace, Womack, Wright, Wilder.

Senate Joint Resolution No. 0110 -- Memorials, Sports -- Tennessee State University women's basketball team. by *Harper.

MESSAGE FROM THE SENATE

March 15, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 198, 371, 491, 672, 704, 1020, 1183, 1252 and 1584;

MONDAY, MARCH 15, 1993 -- TWENTIETH LEGISLATIVE DAY

passed* by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 0198 -- DUI/DWI Offenses --** Requires use of comparable DUI convictions in other states for purpose of enhancing punishment for DUI conviction in this state. Amends TCA 55-10-403. by *Person, *Gilbert, *Crowe, *McNally, *Harper, *Cohen, *Jordan, *Cooper, *Koella, *Greer, *Leatherwood, *Holcomb, *Patten, *Haynes, *Wilder, *Burks, *Wright, *McKnight, Atchley, Albright, Rice, Elsea, Kyle, Hamilton, Ford, O'Brien, Wallace, Henry, Springer.

***Senate Bill No. 0371 -- Urban Renewal --** Provides that senator and representative, whose legislative districts include majority of area of district management corporation, be appointed ex-officio board members; imposes 1 percent interest per month on late payments of assessments to improvement district. Amends TCA, Title 7, Ch. 84, Pt. 5. by *Atchley, *Gilbert, *McNally.

***Senate Bill No. 0491 -- Sewage --** Requires homeowner to furnish permit for subsurface sewage disposal system or proof that connection will be made to public sewerage system before electrical service will be provided. Amends TCA, Title 68, Ch. 221, Pt. 4. by *Greer, *Hamilton.

***Senate Bill No. 0572 -- Education, Higher --** Provides for triennial study by THEC of private colleges and universities. Amends TCA, Title 49. by *Henry.

***Senate Bill No. 0794 -- Criminal Procedure --** Allows post conviction petition with issue of competency of counsel to be heard by judge other than original hearing judge. Amends TCA 40-30-103. by *Crutchfield, *Person.

***Senate Bill No. 1020 -- State Government --** Requires declaration of political party affiliation when such is requirement of appointment to state boards; establishes procedure for treatment of independent appointees. Amends TCA, Title 2, Ch. 10, Pt. 2; Title 10, Ch. 7, Pt. 6; Title 33, Ch. 1, Pt. 3; Title 33, Ch. 2, Pt. 2; Title 49, Ch. 1, Pt. 3; Title 49, Ch. 7, Pt. 2; Title 49, Ch. 9, Pt. 2. by *Gilbert, *McNally, *Rice, Atchley, Jordan, Holcomb, Elsea, Wright, Person, Greer, Leatherwood.

***Senate Bill No. 1183 -- Criminal Offenses --** Provides that a reckless killing of a child less than 13 years of age, if the child's death results from aggravated child abuse, is first degree murder. Amends TCA, Title 39, Ch. 13, Pt. 2. by *Burks, *Gilbert, *Holcomb, *Person, Leatherwood.

Senate Bill No. 1252 -- Environment and Conservation, Department of -- Authorizes commissioner to inspect radiation sources; establishes penalties for failure to comply. Amends TCA, Title 68, Ch. 202, Pts. 5, 7. by *Kyle.

MONDAY, MARCH 15, 1993 -- TWENTIETH LEGISLATIVE DAY AT MORAN YACHT

Senate Bill No. 1584 -- Highway Signs -- "Charlie's Place, Mr. Charlie' Baggett Memorial Highway," U.S. 41, Greenbrier. by "Wright.

ROLL CALL

The roll call was taken with the following results:

Present 91

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, March 17, 1993.